

Decision No. C14-1076

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0774CP

IN THE MATTER OF THE PETITION OF FREEDOM CABS, INC. FOR AN ORDER OF THE COMMISSION AUTHORIZING A WAIVER OF THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE.

DECISION GRANTING WAIVER IN PART

Mailed Date: September 5, 2014
Adopted Date: September 3, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. This matter comes before the Commission for consideration of a petition filed on July 17, 2014 by Freedom Cabs, Inc. (Freedom Cabs).

2. In its petition, Freedom Cabs requests a waiver of Rule 6255(b) of the Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Age of Motor Vehicles).

3. The vehicle for which a waiver is requested is a 2004 Ford Crown Victoria,¹ with a Vehicle Identification Number of 2FAHP71W54X152024. The waiver is requested from July 18, 2014 through July 18, 2015.

4. The Commission noticed this petition to all interested persons, firms, and corporations pursuant to § 40-6-108(2), C.R.S., on July 28, 2014.

¹ As of July 1, 2014, the age of the 2004 Ford Crown Victoria is 11 model years.

5. No petition to intervene or otherwise participate in this proceeding has been filed. This proceeding is therefore uncontested. Pursuant to § 40-6-109(5), C.R.S., this matter may be determined without a hearing.

6. In accordance with Rule 1003 of the Rules of Practice and Procedure, 4 CCR 723-1, the Commission may grant waivers or variances from tariffs, Commission rules, and substantive requirements contained in Commission decisions and orders for good cause. In making a determination, the Commission may take into account, but is not limited to, considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

7. Rule 6255(b), 4 CCR 723-6, states that the maximum age of motor vehicles for taxicab carriers operating within or between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be eight model years. Freedom Cabs may provide taxicab service in these counties pursuant to Certificate of Public Convenience and Necessity PUC No. 53638.

8. As support for the waiver, the owner of the Ford Crown Victoria states “I have been looking for a vehicle to replace this taxicab, but I have not been financially able to purchase one as of yet. This waiver will enable me to continue working until I find a vehicle.”

9. Freedom Cabs submitted six pictures of the interior and exterior of the Ford Crown Victoria and the vehicle does appear to be in good condition.

10. In consideration of the support submitted with the Petition, the Commission finds that good cause has been shown to grant a waiver of Rule 6255(b) for the Ford Crown Victoria named in this petition for waiver.

11. Freedom Cabs is advised that the grant of the waiver of Rule 6255(b) for the Ford Crown Victoria does not ensure that it will pass a future safety inspection by the Staff of the Commission.

II. ORDER

A. The Commission Orders That:

1. The petition of Freedom Cabs, Inc. (Freedom Cabs) for a waiver of Rule 6255(b) for the 2004 Ford Crown Victoria, Vehicle Identification No. 2FAHP71W54X152024, is granted in part from the mailed date of this Decision through July 18, 2015.

2. Freedom Cabs shall keep a copy of this Decision in the 2004 Ford Crown Victoria. Freedom Cabs shall provide this Decision immediately on request by any Commission enforcement official.

3. Freedom Cabs shall have the 2004 Ford Crown Victoria inspected pursuant to 49 *Code of Federal Regulations* (CFR) Part 396.17, as incorporated by Commission Safety Rules, by an inspector qualified in accordance with 49 CFR 396.19; and, the vehicle shall pass such an inspection. Freedom Cabs shall file with the Commission a copy of the completed inspection form within 30 days of the effective date of this Decision. If Freedom Cabs fails to comply with this requirement within 30 days of the effective date of this Decision or if the vehicle fails the inspection, then the waiver of Rule 6255(b) shall be void. For good cause shown, the Commission may grant additional time for compliance if the request for additional time is filed within the 30 days.

4. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 3, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners